UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/2002/SR.18
16 August 2002

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-fourth session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 12 August 2002, at 3 p.m.

Chairperson: Mr. YOKOTA
(Vice-Chairperson)

later: Mr. KARTASHKIN
(Vice-Chairperson)

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Sub-Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.02-14984 (E) 140802 160802

CONTENTS

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (continued)

ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY (continued)

SPECIFIC HUMAN RIGHTS ISSUES:

(a) WOMEN AND HUMAN RIGHTS

(b) CONTEMPORARY FORMS OF SLAVERY

(c) NEW PRIORITIES, IN PARTICULAR, TERRORISM

PREVENTION OF DISCRIMINATION:

(a) RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF INDIGENOUS PEOPLES

(c) PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES (continued)

In the absence of Mr. Pinheiro, Mr. Yokota, Vice-Chairperson, took the Chair

The meeting was called to order at 3.10 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND SEGREGATION, IN ALL COUNTRIES, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES: REPORT OF THE SUB-COMMISSION UNDER COMMISSION ON HUMAN RIGHTS RESOLUTION 8 (XXIII) (agenda item 2) (continued) (E/CN.4/Sub.2/2002/L.3/Rev.1, L.5 and L.6)

Draft resolution on armed intervention and the right of peoples to self-determination (E/CN.4/Sub.2/2002/L.3/Rev.1)

1. The CHAIRPERSON announced that Mr. Bengoa, Ms. Hampson and Mr. Park had become sponsors of the draft resolution.

2. The draft resolution was adopted.

Draft resolution on the situation and future of human rights (E/CN.4/Sub.2/2002/L.5)

3. Mrs. WARZAZI, introducing the draft resolution, said that a number of changes to the text had been agreed upon by its sponsors. First of all, the title should be changed to read "Current situation and future of human rights". Secondly, initial capitals should be used in each reference to l'état de droit (the rule of law). Thirdly, the last phrase of paragraph 4 should be modified to read "... as well as the restrictions applied to non-citizens and failure to respect the right to asylum". Fourthly, in paragraphs 6 and 8, "the principles of international humanitarian law" should be changed to "the principles and norms of international humanitarian law".

4. The following new paragraphs should be inserted as paragraphs 10 and 11:

> "10. Calls upon the Office of the United Nations High Commissioner for Human Rights to continue to attach high priority to examining international and national measures adopted or applied in the fight against terrorism, including the compatibility of such measures with the obligations of States under international human rights law;
>
> 11. Calls upon the Commission on Human Rights to draw the attention of the Counter-Terrorism Committee of the Security Council to the need to include the question of respect for human rights in the study of measures taken by States in the fight against terrorism and itself to pay particular attention to the compatibility with human rights law of national and international measures adopted or applied to combat terrorism."

5. Lastly, in paragraph 9, "Recommends to" should be changed to "Urges", and only those States that had not yet done so should be urged to "consider ratifying", rather than to "ratify", the Rome Statute as soon as possible.

6. The CHAIRPERSON said that Mr. Dos Santos Alves, Mr. Guissé, Ms. Hampson, Mr. Kartashkin, Mrs. Koufa, Mr. Ogurtsov and Ms. Rakotoarisoa had become sponsors of the draft resolution.

7. Mr. ALFONSO MARTÍNEZ said that national and international measures adopted by States to combat terrorism could be incompatible with international humanitarian law as well as with human rights law. He took it that that possibility had not been specified in the new paragraph 10 because that paragraph was addressed to the Office of the United Nations High Commissioner for Human Rights (OHCHR), which did not deal specifically with international humanitarian law.

8. The draft resolution, as orally revised, was adopted.

9. Mr. ALFONSO MARTÍNEZ said that he had joined the consensus on the draft resolution on the understanding that the national and international measures against terrorism mentioned in the new paragraph 11 must be compatible not only with human rights law but also with international humanitarian law.

10. Mr. PARK said that he would be grateful if, in the future, substantial revisions to the texts of draft resolutions could be circulated in written form, so that members could study them with the necessary care.

11. The CHAIRPERSON said that the Secretariat had been asked to circulate the two new paragraphs in writing and it was most unfortunate that Mr. Park had not received a copy.

Draft resolution on the recognition of responsibility and reparation for massive and flagrant violations of human rights which constitute crimes against humanity and which took place during the period of slavery, colonialism and wars of conquest (E/CN.4/Sub.2/2002/L.6)

12. Mr. DECAUX, introducing the draft resolution, said that its overall aim was to consolidate the fragile consensus that had been reached a year previously. There were a number of corrections and other changes to be made to the text. In the second preambular paragraph, the resolution referred to should be resolution 2001/1. The phrase "and the need for fair reparation" should be added at the end of paragraph 3. In paragraph 7 of the English text the incorrect translation of imprescriptibles in the French original as "inherent" should be corrected. In paragraph 8, the opening phrase should be changed to read: "Requests the United Nations High Commissioner for Human Rights to initiate a process of reflection ..." and the phrase "particularly with regard to recognition and reparation" should be added to the end. Lastly, the words "at its fifty-fifth session" should be added to the end of paragraph 9.

13. Mrs. WARZAZI said that paragraph 3 was not forceful enough. States should be asked to recognize formally and solemnly their historical responsibilities towards the peoples concerned.

14. Mr. DECAUX said that the subject of solemn recognition was brought up in paragraph 4, though the arguments could perhaps be re-ordered.

15. Mr. KARTASHKIN said that the word "solemn" should be omitted from paragraph 4. Its retention might give the impression that the slave trade and slavery had not been recognized as crimes before the adoption of the Rome Statute of the International Criminal Court, whereas they had in fact been recognized as crimes under international law long before then, including in the work of the International Law Commission.

16. Mr. GUISSÉ said that the word "solemn" could be replaced by a word such as "formal", which would convey the idea that a body had adopted a law that formally recognized the slave trade and slavery as crimes against humanity.

17. Mr. OGURTSOV said that the main purpose of paragraph 4 was to establish a common date to commemorate annually the abolition of the slave trade and slavery. That did not require the "solemn" recognition of those practices as crimes against humanity.

18. Mr. DECAUX said that the words "to recognize their historical responsibility, as well as the necessary consequences thereof, and" should be inserted after the opening words "Requests all the countries concerned" in paragraph 3. The expression "solemn recognition", in paragraph 4, should be changed to "public recognition".

19. Mr. CHEN, Ms. BETTEN, Mr. OGURTSOV and Mr. ALFONSO MARTÍNEZ asked to become sponsors of the draft resolution.

20. The draft resolution, as orally revised, was adopted.

ADMINISTRATION OF JUSTICE, RULE OF LAW AND DEMOCRACY
(agenda item 3) (continued) (E/CN.4/Sub.2/2002/L.9 and L.12-L.14)

Draft resolution on the accountability of armed forces, United Nations civilian police, international civil servants and experts taking part in peace support operations (i.e. all operations of a peacekeeping or peace enforcement nature under a United Nations mandate) (E/CN.4/Sub.2/2002/L.9)

21. Ms. HAMPSON said that, following a query from a colleague on the Sub-Commission, she wished to explain the title of the draft resolution. In her document on work in progress (E/CN.4/Sub.2/2002/6) she had asked the Sub-Commission whether the study should be confined to United Nations forces taking part in United Nations mandated operations or whether it should include all forces taking part in a United Nations mandated operation, whether or not they wore blue berets, and/or other forces taking part in operations which did not have a United Nations mandate. All the colleagues she had consulted wanted the study to examine the operations of both United Nations forces and non-United Nations forces having a United Nations mandate.

22. Mr. GUISSÉ proposed that the phrase between brackets in the title be deleted so that the draft resolution would cover everyone engaged in peacekeeping and avoid ambiguity.

23. Mr. ALFONSO MARTÍNEZ said that he was concerned about the title because all those taking part in regional military operations (whether United Nations-mandated or not) should be responsible for their actions under Chapter VIII of the Charter of the United Nations. He believed that Ms. Hampson's study should reflect the international duties of all individuals, members of armed forces or civilians, participating in operations under a United Nations mandate or the mandate of another international organization.

24. Ms. HAMPSON explained that the point about the study was that all those persons it included were involved in a mission under a United Nations mandate which was either peacekeeping or peace enforcement. The members of the Sub-Commission had indicated that she should not examine operations which did not have a United Nations mandate, such as Russian peacekeepers in the Caucasus. The purpose of the study was not to examine intervention by one State in the affairs of another State but the responsibility of States and the United Nations with regard to civil obligations and the enforcement of criminal law.

25. Mr. ALFONSO MARTÍNEZ said that everyone agreed that the subject of the study was not the operations carried out by an individual State but multilateral operations undertaken by one or more States on the territory of other States. He cited the example of the intervention of the North Atlantic Treaty Organization (NATO) in the former Yugoslavia, explaining that NATO was a regional organization in terms of the Charter and would, consequently, be excluded from Ms. Hampson's study. Although he did not wish the issue to be an obstacle to the adoption of the draft resolution, multilateral action, with or without a United Nations mandate, would have to be taken into consideration at some stage.

26. Mr. GUISSÉ said that the Geneva Conventions clearly set out the responsibility of a State that intervened in the affairs of another State. What it was necessary to determine was the responsibility of those who intervened for the maintenance or re-establishment of peace - whether United Nations forces or regional forces from several States. Mr. Alfonso Martínez had mentioned the NATO intervention in the former Yugoslavia as an example of intervention by a regional organization and it was such forces sent by regional organizations and by the United Nations which were of concern to the study.

27. Ms. HAMPSON said that her colleagues had possibly misunderstood the scope of the study which, in addition to "blue-beret" operations with a United Nations mandate, also covered any operation involving non-United Nations military forces, whether regional or international, having a United Nations mandate. NATO had asserted that it had had a United Nations mandate for its operation in Kosovo, so the Kosovo operation was included, inasmuch as NATO had some kind of oblique United Nations authorization. What was not included in the study was action by States where there was no United Nations mandate, irrespective of whether the action involved one State or more.

28. The CHAIRPERSON said that it appeared that the problem related to the title of the draft resolution. He suggested that Ms. Hampson should work on the title and submit an amended version to Mr. Guissé and Mr. Alfonso Martínez for their approval.

29. Mr. ALFONSO MARTÍNEZ said that he was satisfied with the explanation of the title and did not require it to be amended.

30. Mr. GUISSÉ said that he did require an amendment to the title and proposed the deletion of the words between brackets. The study should not concern the accountability of States.

31. Ms. HAMPSON said that the study did concern the accountability of States in circumstances where they failed to ensure that their forces taking part in peace support operations did not respect their national obligations. That was why the parenthesis in the title needed to remain as there was a danger that those unfamiliar with the term "peace support operations" would interpret it as meaning only peacekeeping, whereas it clearly referred to peacekeeping and peace enforcement.

32. Mr. EIDE pointed out that, under international law, force could be used in two sets of circumstances only: in self-defence or when authorized explicitly or implicitly by a United Nations mandate. The subject would thus cover regional operations which must have either an implicit or explicit United Nations mandate if force was involved.

33. Mr. YIMER said he formally proposed that the Sub-Commission should move on to discuss the next draft resolution.

34. Mr. PREWARE said that there was no serious disagreement about the form of the study and that it was more the issue of the title, which was perhaps too long. Modifying the title would not necessarily make the situation any clearer, however.

35. Mr. ALFONSO MARTÍNEZ, responding to Mr. Eide's comment, said that there was nothing in international law to cover implicit authorization by the Security Council of the use of force. The Council could authorize the use of force only in accordance with Chapter VII of the Charter; all authorization for the use of force had to result from a formal decision by the Council.

36. Mr. YIMER reminded the Chairperson that he had made a formal proposal to stop the debate. Consequently, there should not be any further discussion on the issue.

37. The CHAIRPERSON said that the debate was thus adjourned.

Draft resolution on discrimination in the criminal justice system (E/CN.4/Sub.2/2002/L.12)

38. Mrs. WARZAZI, introducing the draft resolution, said that it would appoint Ms. Zerrougui as special rapporteur to carry out a study on the subject and asked her to submit a preliminary report to the Sub-Commission at its fifty-fifth session.

39. Mr. WEISSBRODT said that there were two errors in the English text, as translated from the original French: in the fifth preambular paragraph, the impression was given that, in 1993, there had been a Vienna Declaration and Programme of Action on Crime and Justice and that was not the case. The text should read "Vienna Declaration and Programme of Action related to crime and justice". In the preceding preambular paragraph, the word "his" in the penultimate line should be "his/her".

40. Mr. GUISSÉ said he wished to become a sponsor of the draft resolution.

41. Mr. ADIYA (Secretariat) said that the activities envisaged under the draft resolution, if adopted, would cost US$ 15,000 and no provision had been made for such activities in the programme budget for the 2002-2003 biennium. However, it was thought that the cost could be absorbed within the overall resources of the programme budget for the biennium under the human rights section and there were thus no financial implications.

42. The draft resolution was adopted.

Draft resolution on the administration of justice through military tribunals (E/CN.4/Sub.2/2002/L.13)

43. The draft resolution was adopted.

Draft resolution on the establishment of the International Criminal Court (E/CN.4/Sub.2/2002/L.14)

44. Mr. DECAUX, introducing the draft resolution, said that the date of adoption of the Rome Statute in the second preambular paragraph should be deleted and the word "will" added before "constitute". In paragraph 2, there was a mistake in the English text: the word in the first line should be "immunity" not "impunity". The paragraph should be further modified to begin: "Deeply deplores the immunity automatically allowed to nationals of States parties or non States parties to the Rome Statute who participate in operations established or authorized by ...".

45. Ms. ZERROUGUI said that the third preambular paragraph had been incorrectly translated into Arabic.

46. Mr. GUISSÉ said that paragraph 2 had become ambiguous and should be amended to read: "Deeply deplores the immunity allowed to nationals of certain States, whether or not they have ratified the Rome Statute ...". In paragraph 4, the draft resolution invited the States parties to opt for a transparent procedure. However, all nomination procedures were transparent and the Sub-Commission had no right to tell States what to do and thus impinge upon their sovereignty.

47. Mr. KARTASHKIN said, with reference to the last preambular paragraph, that he would like to know who was concerned by the limitations mentioned therein because the Statute could impose obligations only on States which had ratified it - therefore the wording should contain a mention of the States parties. He also wondered whether it was necessary to refer to the Special Rapporteur on the independence of judges and lawyers in paragraph 3, as the Sub-Commission could itself make such an assertion.

48. Mr. DECAUX said that the preambular paragraph stating there should be no limitations was a necessary one as certain States were already trying to place limitations on the Statute. There was nothing revolutionary about asking in paragraphs 3 and 4 for transparency in procedures for selecting and nominating judges. Transparent procedures were required for the International Criminal Court as it was most important to guarantee the maximum competence and independence of the judges. He had no objection to deleting the reference to the Special Rapporteur in paragraph 3.

49. Mr. KARTASHKIN pointed out that an international agreement was binding only on the States parties and therefore insisted on maintaining his proposed amendment.

50. Mr. GUISSÉ said he agreed with Mr. Kartashkin and was also in favour of deleting the reference to the Special Rapporteur in paragraph 3.

51. Mr. DECAUX said that the sponsors had agreed to the deletion in paragraph 3. In the third preambular paragraph there was a slight translation problem because the meaning of the phrase "mise en oeuvre" in French was not the same as that of the word "implementation" in English.

52. Mr. ALFONSO MARTÍNEZ said that paragraph 3 was not necessary in the draft resolution and should be deleted in its entirety.

53. Ms. HAMPSON proposed that, in the third preambular paragraph, the word "implementation" should be replaced by the words "the establishment and functioning".

54. Mr. GUISSÉ said that it was not normal to talk about the "functioning" of a text - a text was usually "implemented".

55. Mr. PREWARE said that, while he agreed with the removal of the reference to the Special Rapporteur in paragraph 3, he was not in favour of the deletion of the whole paragraph.

56. Mrs. WARZAZI said she agreed with Mr. Preware. With regard to the third preambular paragraph, she said that the Sub-Commission must express concern that attempts had been made to influence the scope of the provisions as they applied to signatory States. She suggested the wording: "Convinced further that the provisions of the Rome Statute should not be subject to attempts to impose limitations upon them".

57. Mr. ALFONSO MARTÍNEZ said that the formula used in paragraph 9 of the draft resolution on the current situation and future of human rights (E/CN.4/Sub.2/2002/L.5) could be used to satisfy the concerns expressed by Mrs. Warzazi.

58. Mr. DECAUX suggested the following formula for the third preambular paragraph: "Convinced further that the establishment and operation of the International Criminal Court should encounter no limitations". That should be sufficient in view of the fact that paragraph 6 also emphasized that States must not hinder the implementation of the Statute.

59. Mrs. WARZAZI proposed that, since paragraph 6 was far stronger, the third preambular paragraph should simply be deleted altogether.

60. Mr. DECAUX, speaking on behalf of the sponsors, accepted Mrs. Warzazi's proposal.

61. Mr. PARK said he wondered whether it would be more accurate, in paragraph 7, to state that the question would continue to be considered by the Sub-Commission at its fifty-fifth session. Otherwise, it might be understood that the question would be considered indefinitely.

62. Mrs. WARZAZI said that it was inappropriate to decide in advance what should be considered at the fifty-fifth session. Details of that kind could be settled only at the fifty-fifth session itself.

63. The CHAIRPERSON said that the current wording of paragraph 7 was satisfactory, since it made it clear that, at least until it was decided otherwise, the question would continue to be considered at, and perhaps beyond, the Sub-Commission's forthcoming session.

64. Following a discussion in which Mr. ALFONSO MARTÍNEZ, Mr. GUISSÉ and Ms. HAMPSON took part, Mr. GUISSÉ said that he had decided not to oppose the adoption of the draft resolution.

65. The draft resolution, as orally revised, was adopted.

66. Mr. ALFONSO MARTÍNEZ said that the fact that he had acquiesced in the adoption of the draft resolution did not mean that he endorsed the use of the terms "peace enforcement", "peace-building", or any similar terms that derived from a document produced by a former Secretary-General of the United Nations, rather than from the Charter of the United Nations itself.

67. Mr. SORABJEE said he wished to place on record that, if there had been a vote on the draft resolution, he would have abstained.

68. Mr. PREWARE said it was most unwise to suggest that any legal text could be applicable to non-signatories. If a vote had been taken, he too would have abstained.

69. Mr. SATTAR said he had reservations concerning paragraph 6, pursuant to which States that had not ratified the Rome Statute were required to observe its principles all the same. Under international law, treaties could be binding only on their signatory States. Nevertheless, he had been unwilling to block the consensus in favour of adopting the draft resolution, since the matter would be discussed again at the fifty-fifth session of the Sub-Commission.

The meeting was suspended at 4.55 p.m. and resumed at 5.10 p.m.

70. Mr. Kartashkin, Vice-Chairperson, took the Chair.

SPECIFIC HUMAN RIGHTS ISSUES:

(a) WOMEN AND HUMAN RIGHTS

(b) CONTEMPORARY FORMS OF SLAVERY

(c) NEW PRIORITIES, IN PARTICULAR, TERRORISM (agenda item 6) (continued) (E/CN.4/Sub.2/2002/38)

71. Mr. SIK YUEN, introducing his working paper on human rights and weapons of mass destruction, or with indiscriminate effect, or of a nature to cause superfluous injury or

unnecessary suffering (E/CN.4/Sub.2/2002/38), said the first part of the paper - an examination of the human rights likely to be affected and the relevant humanitarian law together with a description of the principles providing the existing legal basis for banning the use of certain arms - had been relatively straightforward compared with the second part - a study of the weapons in question and their effects - which was of a more political nature.

72. Problems arose when States produced, sold and used illegal weapons in defiance of the established principles. Human rights and humanitarian law were violated, not as a result of ignorance or uncertainty on a State's part, but in order to achieve political gain, in the pursuit of which a total disregard for human rights was considered acceptable. There were a number of key points to which he wished to draw attention in that regard.

73. It was noteworthy that five militarily significant States were not parties to the Ottawa Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction (para. 105).

74. The development of mini-nukes and bunker busters could violate the 1968 Treaty on the Non-Proliferation of Nuclear Weapons. Indications that one State had made plans for the first use of nuclear weapons against seven others, including five non-nuclear-weapon States, if confirmed, would be a clear breach of Security Council resolution 984 (1995), on security assurances in relation to the Non-Proliferation Treaty (paras. 72-81).

75. The existence of conventions imposing a total ban on biological and chemical weapons was to be welcomed. The question had been posed, however, whether the need for universal conventions had arisen because such weapons could be developed by anyone and used anywhere: in the case of nuclear weapons, which could not, the rules governing their use were established by a select club of States.

76. Lastly, he summarized a number of the issues surrounding the use of weapons containing depleted uranium, which were discussed in paragraphs 128 to 171.

77. There was a tendency to ignore the "dirtiness" of the weapons under discussion because they were intended for use in enemy territory. There was also a possi' .ity that illegal weapons might be used in the name of repressing terrorism. Moreover, new developments were occurring every day: one area he had been unable to address was that of "space weapons" such as directed energy and laser weapons. All those issues demanded attention.

78. Mr. DECAUX said that, while he had no objection in principle to considering the issues concerned, he believed the scope of the study was too broad, encompassing as it did not only a range of legal questions but also technical matters that exceeded the competence of the members of the Sub-Commission.

79. The discussion of the legal aspects of nuclear weapons, for example, passed rather too rapidly over the Non-Proliferation Treaty and the Comprehensive Test-Ban Treaty, which should be at the centre of any such analysis. Similarly, there was little point in attempting to reinterpret the 1996 Advisory Opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons when there had been a proliferation of nuclear-weapon States outside the legal framework.

80. If the Sub-Commission wished to avoid such contradictions, it needed to select its priorities better in order to maintain its credibility not only within the human rights community but also in the eyes of disarmament specialists. A more useful contribution to the debate would be made if future rapporteurs were requested to concentrate on new aspects of the issue, such as weapons containing depleted uranium.

81. Mr. EIDE said future work on the issue could be based on the Sub-Commission's view that human rights law applied in all circumstances and that it was possible to derogate from only certain provisions thereof in certain circumstances. That could be made the test against which to set the use of weapons of various kinds in examining the human rights issues involved. He wondered whether it could be argued, for example, that weapons with indiscriminate effect caused arbitrary deprivation of life. Such an approach might be a productive one.

82. Mr. PARK said he wondered what Mr. Sik Yuen considered to be the reason for the long period of peace during the cold war period and whether it had been brought about, as many believed, by deterrence - the so-called mutual assured destruction (MAD) policy - or by observance of international law. Future work on the issue should take account of such geopolitical implications of the legal and technical aspects of the nature of weapons of mass destruction.

83. Mr. GUISSÉ said that even the conventional weapons developed during the cold war were having a serious effect on populations 20 years later, and future work on the issue should consider the impact of arms production - and accidents occurring during production - on public health and the environment. The working paper mentioned cancer, for example, but there was no indication of how widespread the disease was. Follow-up studies should help in assessing its spread among populations.

84. Mr. SORABJEE, referring to paragraph 168 of the working paper, asked whether Mr. Sik Yuen knew the reason why NATO had rebuffed the call for a moratorium.

85. Mr. YOKOTA said it would be important to consider the issue of the responsibility of those involved in activities relating to weapons of mass destruction. There were many persons in Government who were probably not aware that they were responsible for the devastation those weapons caused. The issues of punishment and reparation should be touched on in the future work.

86. The CHAIRPERSON suggested that the discussion of agenda item 6 be suspended until the next meeting of the Sub-Commission.

87. It was so decided.

PREVENTION OF DISCRIMINATION:

(a) RACISM, RACIAL DISCRIMINATION AND XENOPHOBIA

(b) PREVENTION OF DISCRIMINATION AND PROTECTION OF INDIGENOUS PEOPLES

(c) PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

(agenda item 5) (continued) (E/CN.4/Sub.2/2002/19 and Corr.1, 20-24, 25 and Adds.1 to 3, 26, 40, 43 and 44; E/CN.4/Sub.2/2002/NGO/5, 8, 13, 21, 26 and 28; E/CN.4/Sub.2/AC.4/2002/6).

88. Mr. SHARMA (Afro-Asian Peoples' Solidarity Organization) said that the task of human rights activists must be to help create a global family where all members - including minorities, however small - were treated with respect and dignity regardless of their differences. States had the means, and thus the primary responsibility, to create the environment in which that ideal could be achieved. Democratic States, in particular, though not immune to discrimination and oppression, were in a position to establish an educational structure that emphasized modernity and respect for humanity, and their legal systems provided an avenue for redress.

89. Certain States nevertheless continued to foster the idea that one segment of society was superior to others: their educational structures bred discrimination and oppression, attitudes that lay at the heart of contemporary terrorism. The process of enlightenment needed to start early. If today's children were fashioned into instruments of hate and discrimination, tomorrow's generation would be condemned to an existence devoid of dignity.

The meeting rose at 6 p.m.